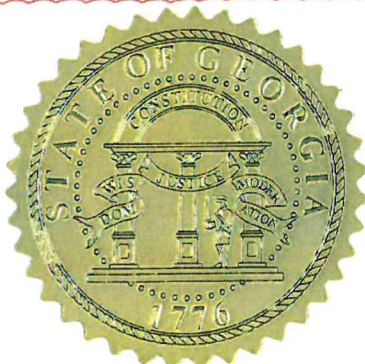




## OFFICE OF SECRETARY OF STATE

**I, Brian P. Kemp, Secretary of State of the State of Georgia, do hereby certify that**

the 16 pages of photocopied matter hereto attached contain a true and correct copy of an Act approved by the Governor on May 04, 2017 numbered Act No. 165, House Bill 615; all as same appear of file and record in this office.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of my office, at the Capitol, in the City of Atlanta, this 18th day of April, in the year of our Lord Two Thousand and Seventeen and of the Independence of the United States of America the Two Hundred and Forty-First.

*B. P. Kemp*

Brian P. Kemp, Secretary of State

# ENROLLMENT

April 7 20 17

The Committee of the House on Information and Audits has examined the within and finds the same properly enrolled.

H.B. No. 615

General

Act No. 165

Assembly



## AN ACT

To create the Board of Commissioners of Walker County; to provide for continuation of certain obligations and liabilities; to provide for the composition of the board; to provide for the specific repeal of a certain local Act; to provide for a referendum; to provide for related matters; to provide for effective dates and automatic repeal; to repeal conflicting laws; and for other purposes.

Mark K. Taylor

Chairman

Speaker of the House

Clerk of the House

President of the Senate

Secretary of the Senate

Received Ch. W. H. H.  
Secretary, Executive Department

This 7<sup>th</sup> day of April 20 17

Approved

Nathan Deal  
Governor

This 4<sup>th</sup> day of May 20 17

## IN HOUSE

Read 1<sup>st</sup> time 3-20-17

Read 2<sup>nd</sup> time 3-22-17

Read 3<sup>rd</sup> time 3-24-17

And Passed

Yeas 150

Nays 0

## IN SENATE

Read 1<sup>st</sup> time 3-28-17

Read 2<sup>nd</sup> time

Read 3<sup>rd</sup> time

And Passed 3-30-17

Yeas 47

Nays 2

Passed Both Houses

Ad. A. Cook

By: Reps. Tarvin of the 2<sup>nd</sup> and Deffenbaugh of the 1<sup>st</sup>  
Secretary of the Senate

## AN ACT

To amend an Act creating the office of commissioner of Walker County, approved February 10, 1939 (Ga. L. 1939, p. 751), as amended, so as to create the Board of Commissioners of Walker County; to provide for continuation of certain obligations and liabilities; to provide for the composition of the board; to provide for elections and terms of office; to provide for qualifications; to provide for commissioner districts; to provide for filling of vacancies; to provide for oaths of office and surety bonds; to provide for the compensation and expenses of the chairperson and members of the board; to provide for a vice chairperson; to provide for powers and duties of such officers; to provide for meetings; to provide for the powers, duties, and authority of the chairperson and members of the board; to provide for formal bids for certain purchases; to provide for the appointment of a clerk and other officials; to provide for the preparation, submission, review, adoption, and amendment of budgets; to provide for expenditure of county funds; to provide for audits of county finances and financial records; to provide for a referendum; to provide for related matters; to provide for effective dates and automatic repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

### PART I.

#### SECTION 1-1.

An Act creating the office of commissioner of Walker County, approved February 10, 1939 (Ga. L. 1939, p. 751), as amended, is amended by striking Section 1 through the end and inserting in lieu thereof the following:

#### "SECTION 1.

There is created the Board of Commissioners of Walker County to be elected and organized as provided for in this Act. The board shall be the successor to the office of commissioner of Walker County and shall continue to have the obligations and liabilities of the commissioner of Walker County as existed immediately prior to January 1, 2021. The board shall constitute the governing authority of Walker County and shall exercise the powers, duties, and responsibilities vested in and upon such officers by the provisions of this Act. The term 'board,' whenever used in this Act, shall mean the Board of Commissioners of Walker County, including the chairperson and all members.



## SECTION 2.

(a) The board shall consist of a chairperson and four district commissioners. The four district commissioners shall be residents of their respective commissioner districts as described in subsection (b) of this section and shall be elected by the electors of their respective districts as provided in Section 3 of this Act. The chairperson shall be elected at large as provided in Section 3 of this Act.

(b) For the purpose of electing members of the board, Walker County shall be divided into four commissioner districts. One member of the board shall be elected from each such district. Commissioner Districts 1, 2, 3, and 4 shall be and correspond to those four numbered districts described in and attached to and made a part of this Act and further identified as Plan Name: walkercc-2017 Plan Type: Local Administrator: SD053 User: Gina.

(c)(1) When used in such attachment, the term 'VTD' shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia. The separate numeric designations in a district description which are underneath a VTD heading shall mean and describe individual blocks within a VTD as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia.

(2) Except as otherwise provided in the description of any district, whenever the description of any district refers to a named city, it shall mean the geographical boundaries of that city as shown on the census maps for the United States decennial census of 2010 for the State of Georgia.

(3) Any part of Walker County which is not included in any district described in the plan shall be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2010 for the State of Georgia.

(4) Any part of Walker County described in the plan as being included in a particular district shall nevertheless not be included within such district if such part is not contiguous to such district. Such noncontiguous part shall instead be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2010 for the State of Georgia.

## SECTION 3.

(a) No person shall be a member of the board if that person is ineligible for such office pursuant to Code Section 45-2-1 of the O.C.G.A. or any other general law.

(b) In order to be elected as a member of the board from a commissioner district, a person shall be 18 years of age or older, shall have resided in that district for at least 12

consecutive months prior to election thereto, and shall receive a majority of the votes cast for that office by the electors of that district. At the time of qualifying, each candidate for such office shall specify the commissioner district for which that person is offering as a candidate. A person elected as a member of the board from a commissioner district shall continue to reside in that district during that person's term of office or that office shall thereupon become vacant.

(c) The chairperson of the board shall be 25 years of age or older, shall have resided in Walker County for at least 12 consecutive months prior to election to such office, may reside anywhere within Walker County, and shall receive a majority of the votes cast for such office by the electors of the entire county. The chairperson shall continue to reside within Walker County during that person's term of office or that office shall thereupon become vacant.

#### SECTION 4.

(a) The first members of the Board of Commissioners of Walker County shall be elected at the 2020 November general election. The members of the board elected thereto from Commissioner Districts 1 and 2 in 2020 shall take office on January 1, 2021, and shall serve for an initial term of office which shall expire on January 1, 2023, and upon the election and qualification of their respective successors. The chairperson and the members of the board elected thereto from Commissioner Districts 3 and 4 in 2020 shall take office on January 1, 2021, and shall serve for initial terms of office which shall expire on January 1, 2025, and upon the election and qualification of their respective successors. Those and all future successors to the chairperson and members of the board whose terms of office are to expire shall be elected at the November state-wide general election immediately preceding the expiration of such terms, shall take office on the first day of January immediately following that election, and shall serve for terms of office of four years and until their respective successors are elected and qualified.

(b) The chairperson and members of the board shall be nominated and elected in accordance with Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.'

#### SECTION 5.

(a) In the event of a vacancy occurring in the membership of the board, whether the vacancy is in the office of chairperson or any other member, for any reason other than expiration of term, that vacancy shall be filled as provided in this section.

(b) In the event a vacancy occurs on the board when at least 180 days remain in the unexpired term of office, the election superintendent of Walker County, within 15 days after the vacancy occurs, shall issue the call for a special election to fill the vacancy for the



unexpired term. Such special election shall be called and conducted as provided in Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code,' as now or hereafter amended. Any person elected in a special election to fill such a vacancy shall take office immediately upon certification of the results of such special election and qualification. If such vacancy is in the office of chairperson of the board of commissioners, the vice chairperson of the board shall exercise the powers and duties of the chairperson for the period beginning on the date the vacancy occurs and ending on the date the successor chairperson takes office for the unexpired term following the special election provided for in this subsection.

(c) In the event a vacancy occurs on the board when less than 180 days remain in the unexpired term of office, the remaining members of the board shall appoint a qualified person to fill the vacancy for the unexpired term. Any person appointed by the board to fill a vacancy as provided in this subsection shall possess the residency and other qualifications required for the office and shall take office immediately upon appointment and qualification. If such vacancy is in the office of chairperson of the board, the vice chairperson of the board shall exercise the powers and duties of the chairperson for the period beginning on the date the vacancy occurs and ending on the date the successor chairperson takes office for the unexpired term following his or her appointment as provided for in this subsection. During the time when the board has a vacancy under this subsection and only during such time, if a vote on a matter before the board results in a tie, the chairperson or, if the office of chairperson is vacant and the vice chairperson is serving as chairperson, the vice chairperson shall be allowed to cast an additional vote to break such tie.

#### SECTION 6.

Before entering upon the discharge of their duties, the chairperson and district commissioners shall subscribe to an oath before the judge of the probate court of such county for the true and faithful performance of their duties and that they are not the holders of any public funds unaccounted for. In addition, the chairperson and each district commissioner shall further give a satisfactory surety bond to the judge of the probate court of the county payable to the judge of the probate court or that judge's successor in office and filed in the office of the judge of the probate court, in the sum of \$25,000.00, conditioned upon the faithful performance of the duties of the office. The costs of said bonds shall be paid out of the county treasury.

#### SECTION 7.

(a) District commissioners, other than the chairperson, shall serve in such capacity on a part-time basis and shall be paid a salary of \$12,000.00 per year. Such compensation shall be paid in equal monthly installments from the funds of Walker County.

(b) The chairperson shall serve in such capacity on a full-time basis and shall be paid an annual salary equal to the annual salary of the highest paid elected county officer of Walker County, plus an additional \$500.00, or \$100,000.00 per annum, whichever is greater. For the purposes of this subsection, the term 'county officer' shall mean only the tax commissioner, the judge of the probate court, the sheriff, or the clerk of superior court. The salary provided in this subsection shall be paid in equal monthly installments from the funds of Walker County. The salary and expenses provided for in this subsection shall constitute the entire compensation to which the chairperson shall be entitled to be paid from county funds.

(c) The chairperson and the district commissioners may be reimbursed for reasonable expenses incurred in carrying out their duties. Expenses may be reimbursed only after the submission of receipts or records of said expenses to the county clerk and approval by majority vote of the board of commissioners at a regularly scheduled meeting. The chairperson and commissioners shall be entitled to compensation for serving on any other boards or authorities for which their membership is provided by law.

(d) At their own expense, the district commissioners may participate in county provided health, dental, and other health related programs and in county sponsored retirement programs. No county funds shall be spent on these programs for the benefit of the district commissioners.

#### SECTION 8.

At the first regular meeting of each year, the board shall elect from its members a vice chairperson. In the event of death, disqualification, or resignation of the chairperson, the vice chairperson shall perform the duties and exercise the authority of the chairperson until a new chairperson is chosen as provided in this Act. The vice chairperson shall preside at meetings of the board in the absence of the chairperson and shall serve for the calendar year in which he or she is elected. In the event of a vacancy in the office of vice chairperson, the board shall elect a new vice chairperson to serve for the remainder of the calendar year.

#### SECTION 9.

Each month, at the county seat, the board of commissioners shall hold a minimum of two regular meetings. All meetings shall be open to the public as required by law and shall



provide a time period exclusively for public comment. The time, date, and place of the meetings shall be determined by the board in the first meeting of the year. Any resolution passed by the board regarding the time, date, and place of its monthly meetings shall be published in the official county organ once a week for two weeks during a period of 30 days immediately following the passage of the resolution. The board of commissioners may hold such additional meetings as shall be necessary when called by the chairperson or any two commissioners, provided that all members of the board of commissioners shall have been notified at least three days in advance of such special meeting which is open to the public. Three district commissioners or the chairperson and any two district commissioners shall constitute a quorum. No official action shall be taken except upon the affirmative vote of at least three members of the board of commissioners and except upon compliance with Chapter 14 of Title 50 of the O.C.G.A. The chairperson shall be entitled to vote on a question only if the chairperson's vote would affect the outcome of any vote or issue before the board. The vice chairperson while serving as chairperson shall be entitled to vote on all matters before the board. All regular and called meetings shall be conducted according to *Robert's Rules of Order*.

#### SECTION 10.

The chairperson shall administer the affairs and day-to-day business of the county and preside over the meetings of the board. The duties of the chairperson shall include, but shall not be limited to, the following:

- (1) Calling meetings of the board as provided in Section 9 of this Act;
- (2) Preparing a proposed agenda and presiding over meetings of the board;
- (3) Representing the county government at ceremonial functions;
- (4) Being empowered to submit motions that are made and seconded by district commissioners to the board for action;
- (5) Appointing members and chairpersons to all committees of the board with the approval of the board; and
- (6) Performing such other duties as shall be delegated to the chairperson by the board or as provided by law or ordinance.

The chairperson shall be authorized, in his or her sole discretion, to spend not more than \$25,000.00 without approval of the board.

#### SECTION 11.

The board shall have the power and authority to fix and establish, by appropriate resolution entered on its minutes, policies, rules, and regulations governing all matters reserved to its exclusive jurisdiction. Such policies, rules, and regulations, when so adopted with proper



entry thereof made on the minutes of the board, shall be conclusive and binding. The board shall exercise only those administrative powers which are necessarily and properly incident to its functions as a policy-making or rule-making body or which are necessary to compel enforcement of its adopted resolutions. Except as otherwise provided in this Act, the following powers are vested in the board and reserved to its exclusive jurisdiction:

- (1) To levy taxes;
- (2) To make appropriations;
- (3) To fix rates and charges for services provided by the county;
- (4) To authorize the incurring of indebtedness;
- (5) To order work done where the cost is to be assessed against benefited property and to fix the basis for such assessment;
- (6) To authorize and provide for the execution of contracts;
- (7) To establish, alter, open, close, build, repair, or abolish public roads, bridges, and ferries, according to law; provided, however, that the chairperson shall have the authority to accept subdivision plats when the requirements established by the board for subdivisions have been met;
- (8) To establish, abolish, or change election precincts and militia districts according to law;
- (9) To accept, for the county, the provisions of any optional statute where the statute permits its acceptance by the governing authority of the county;
- (10) To exercise all powers, duty, and authority formerly imposed upon or vested in the commissioner of Walker County in respect to zoning and planning;
- (11) To create and change the boundaries of special taxing districts authorized by law;
- (12) To fix the bonds of county officers where same are not fixed by statute;
- (13) To enact any ordinances or other legislation which the county may be given authority to enact;
- (14) To determine the priority of capital improvements;
- (15) To call elections for the voting of bonds;
- (16) To exercise all of the power and authority formerly vested by law in the commissioner of Walker County together with the power and authority which may be delegated by law to the governing authority of the county, by whatever name designated;
- (17) To appoint retained legal counsel and an independent county auditor and provide for their compensation; and
- (18) To require all county officers to report on the general or specific conduct of the financial affairs of their respective offices.

#### SECTION 12.

Formal sealed bids shall be received for all purchases in amounts over the state limit for sealed bids unless the board sets a lower limit. Advertisements for such bids shall be published for two consecutive weeks in the official organ of Walker County. The need for such bids may be dispensed with by the board if it decides that an emergency exists which will not permit a delay.

#### SECTION 13.

The internal organization of the county government shall be established and altered by the board. Existing departments may be abolished and their functions transferred to other departments, additional departments may be created, and any two or more departments may be consolidated.

#### SECTION 14.

The board shall appoint a clerk who shall keep a proper and accurate book of minutes. The book of minutes of the board shall contain all the acts, orders, and proceedings of the board in chronological order. The minutes book of the board shall be open to the public for inspection at all times during regular office hours, and certified copies of any entries in the minutes book shall be furnished by the clerk to any person requesting same upon payment of a reasonable fee to be paid into the county treasury as are other funds and to be assessed by the board in an amount sufficient to defray the cost of preparing same.

#### SECTION 15.

The chairperson shall submit annually to the board a proposed budget governing expenditures of all county funds, including capital outlay and public works projects for the following fiscal year. The board shall thereafter hold two public hearings at least seven days apart on the budget, giving notice thereof at least ten days in advance by publication of such notice and of the proposed budget in the official organ of Walker County and by posting same at the courthouse. The budget shall then be reviewed and adopted or amended by the board prior to the beginning of the new fiscal year to which it applies, which budget, when so adopted or amended by the board, shall constitute the board's appropriation of all funds for such year. The budget so adopted may be revised during the year only by formal action of the board in a regular meeting, and no increase shall be made therein without provision also being made for financing the same. The proposed budget submitted by the chairperson shall be accompanied by a report containing information and data relating to the financial affairs of the county pertinent to arriving at and establishing the annual budget. A copy of the budget and of each revision or amendment to the same



shall be transmitted by the chairperson to the grand jury of the Superior Court of Walker County within ten days from the time such budget or amendment thereof is adopted by the board. The board may from time to time, upon a majority vote thereof, change the ending and beginning date of the fiscal year for the county or may operate on a calendar basis; provided, however, that in the event of such change, the budget shall be submitted at least two months prior to the beginning date of the next fiscal year or January 1, whichever shall apply, and shall be adopted at least one month prior to such beginning date. The procedures for budget preparation, submission to the governing authority, review by the governing authority, public review, notice, and hearings shall be as provided for in Chapter 81 of Title 36 of the O.C.G.A.

#### SECTION 16.

No expenditures of county funds shall be made except in accordance with the county budget, or amendments thereto, adopted by the board. The chairperson of the board shall enforce compliance with this section by all departments of county government and to this end shall institute a system of allotments of all moneys appropriated and budgeted.

#### SECTION 17.

The board shall on or before the final day of the month following the end of each fiscal year employ a certified public accountant for the making of an annual continuous audit of county finances and financial records. The accountant so employed shall be paid out of county funds and shall perform a complete audit of the financial records of the county for the preceding year, pointing out any irregularities found to exist and reporting the results of such audit to the board. The same person or firm shall not perform such audit for more than four consecutive annual periods. Each annual report submitted to the board shall be made available for public inspection as are other records in such office. The board shall cause to be published in the official organ of Walker County and posted at the courthouse a statement of the financial condition of the county as of December 31 and June 30 of each year. Said accountant shall transmit to the grand jury of the Superior Court of Walker County a copy of each annual report furnished by such accountant to the board.

Plan: walkercc-2017

Plan Type: Local

Administrator: SD053

User: Gina

District 001

Walker County

VTD: 2951812 - ROSSVILLE

VTD: 2951893 - FAIRVIEW

District 002

Walker County

VTD: 2950881 - POND SPRINGS

VTD: 2950944 - PEAVINE

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020601:

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VTD: 2951809 - KENSINGTON

020502:

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VTD: 2951818 - CHICKAMAUGA

VTD: 2951898 - WALLACEVILLE

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District 003

Walker County

VTD: 2950869 - CHESTNUT FLAT

VTD: 2950871 - LAFAYETTE

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VTD: 2950944 - PEAVINE

020601:

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VTD: 2950953 - EAST ARMUCHEE

VTD: 2950960 - CANE CREEK

020901:

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VTD: 2951053 - WEST ARMUCHEE

District 004

Walker County

VTD: 2950871 - LAFAYETTE

020901:

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VTD: 2950943 - WILSON

VTD: 2950960 - CANE CREEK

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VTD: 2951161 - MOUNTAIN

VTD: 2951501 - CHATTANOOGA VAL

VTD: 2951800 - DAUGHERTY

VTD: 2951808 - CEDAR GROVE

VTD: 2951809 - KENSINGTON

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VTD: 2951851 - FAIRYLAND

VTD: 2951898 - WALLACEVILLE

020302:

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020502:

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2017 2018"

## **PART II.**

### **SECTION 2-1.**

The election superintendent of Walker County shall call and conduct an election on the date of the 2018 November general election as provided in this section for the purpose of submitting this Act to the electors of Walker County for approval or rejection. The election

superintendent shall issue the call and conduct that election as provided by general law. The superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of Walker County. The ballot shall have written or printed thereon the words:

"( ) YES Shall the governing authority of Walker County be changed from a sole  
( ) NO commissioner to a five-member board of commissioners with the  
chairperson elected at large and four commissioners elected by district?"

All persons desiring to vote for approval of changing the form of the governing authority of Walker County to a board consisting of four members elected by district and a chairperson elected at large shall vote "Yes." Those persons desiring to vote against changing the form of the governing authority of Walker County shall vote "No." If more than one-half of the votes cast are for approval of changing the form of the governing authority of Walker County to a board of commissioners consisting of four members elected by district and a chairperson elected at large, then Part I of this Act shall become effective immediately for purposes of electing members of the board of commissioners in November, 2020, and for all other purposes on January 1, 2021; otherwise, this Act shall be automatically repealed on the first day of January following that election date. The expense of such election shall be borne by Walker County. It shall be the duty of the election superintendent to certify the results thereof to the Secretary of State.

#### SECTION 2-2.

Except as otherwise provided in Section 2-1 of this Act, this Act shall become effective upon its approval by the Governor or its becoming law without such approval.

#### SECTION 2-3.

All laws and parts of laws in conflict with this Act are repealed.

APPROVED

MAY 04 2017

BY GOVERNOR



**NOTICE OF INTENTION TO INTRO-  
DUCE LOCAL LEGISLATION**  
Notice is given that there will be introduced at the regular 2017 session of the General Assembly of Georgia a bill to amend an Act to create the office of Commissioner of Roads and Revenues for the County of Walker, approved February 16, 1935 (Ga. L. 1935, p. 251), as amended, and for other purposes.

**AFFIDAVIT**

GEORGIA, FULTON COUNTY

I, Steve Tarvin, Representative from District 2, state on oath as follows:

- (1) I am the author of the local bill to which this affidavit is attached.
- (2) In accordance with O.C.G.A. § 28-1-14, the notice requirements for the local bill to which this affidavit is attached have been satisfied, including but not limited to the following:
  - (A) The Notice of Intention to Introduce Local Legislation which is attached to such local bill was published in the Walker County Messenger, which is the official organ of Walker County, on the 15th of February in the year 2017; and
  - (B) If the local bill amends the charter of a municipality or the enabling Act of the governing authority of a county or consolidated government, then a copy of the Notice of Intention to Introduce Local Legislation was mailed, transmitted by facsimile, or otherwise provided to the governing authority of such municipality, county, or consolidated government:
    - (i) During the calendar week in which the Notice was published in the official organ; or
    - (ii) During the seven days immediately following the date of publication of such Notice.

s/ Thomas J. Tarvin  
Affiant

Sworn to and subscribed at the  
State Capitol in Atlanta, Georgia,  
This 20th of March, 2017.  
Before me:

s/ Jennifer Burgess  
Jennifer Burgess  
Notary Public, Fulton County, Georgia  
My Commission Expires December 29, 2018  
[SEAL]

